



**UNITED STATES BANKRUPTCY COURT IN THE
SOUTHERN DISTRICT CIRCUIT, NEW YORK**

**CHAPTER 11 CASE NO 08-13555 (JMP)
JOINTLY ADMINISTERED**

DOCKET NUMBER 6664

In the matter of

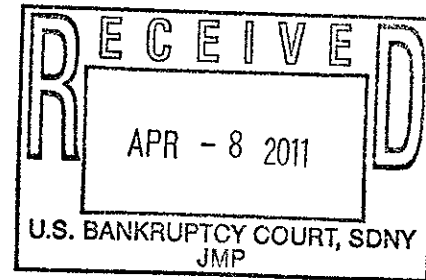
**OOSTNEDERLANDSE VERENIGING
AANNEMERS RESERVEFONDS (O.V.A.R.),**

Claimant,

vs.

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.



**TO CHAMBER OF THE HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE:**

Claimant hereby files his written request for a teleconference hearing with Judge Peck.

In these proceedings Claimant has submitted a claim against the Debtors. According to the Debtors they have no liability for the claim filed by the Claimant in this chapter 11 case, because Claimant seeks to recover for Preferred Securities that were neither issued nor guaranteed by the Debtors. Claimant holds the view that the Preferred Securities were issued by LBT and guaranteed by LBHI, as expressed in the response to the Debtor's Ninetieth Omnibus Objection to Claims, hereby attached as exhibited A.

For the practical reason that Claimant and his legal representative reside in the Netherlands, Claimant wishes to be telephonically heard on the matter of the Debtor's Ninetieth Omnibus Objection to Claims.

Therefore Claimant respectfully requests to be telephonically heard by the court.

The original hearing was scheduled for March 31, 2011, at 10: a.m. (Prevailing Eastern Time), but has been adjourned to April 28, 2011, at 10:00 a.m. (Prevailing Eastern Time).

**OOSTNEDERLANDSE VERENIGING
AANNEMERS RESERVEFONDS (O.V.A.R.),**

On behalf of: **H.V. Jongman**

By: **J.P.M. le Clercq**

Its: Attorney and legal representative

BRADA KUTTNER ATTORNEYS LEGAL & TAX



Jean le Clercq

Address and person to respond to:

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Attorney for Claimant

Exhibit A

**UNITED STATES BANKRUPTCY COURT IN THE
SOUTHERN DISTRICT CIRCUIT, NEW YORK**

**CHAPTER 11 CASE NO 08-13555 (JMP)
JOINTLY ADMINISTERED**

In the matter of

**OOSTNEDERLANDSE VERENIGING
AANNEMERS RESERVEFONDS (O.V.A.R.),**

Claimant,

vs.

LEHMAN BROTHERS HOLDINGS INC., et al.,

Debtors.

**CLAIMANT'S RESPONSE TO DEBTOR'S NINETIETH OMNIBUS OBJECTION TO CLAIMS (NO
LIABILITY CLAIMS)**

DESCRIPTION OF THE BASIS FOR THE AMOUNT OF THE CLAIM

Claimant is holder of notes and certificates issued by Lehman Brothers Treasury Co. B.V. (hereinafter "LBT"). Lehman Brothers Holdings Inc (hereinafter "LBHI") guaranteed the issued notes and certificates by LBT. The claim is based on Lehman Programs Securities. The total amount owed by LBHI as guarantor as of September 15, 2008 amounts to € 176,888.00,-. The International Securities Identification Number (ISIN) is XS0215349357.

**TO THE HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE:**

Claimant hereby files his response to the objections of Debtors to Claimant's claim, in the above-captioned chapter 11 case, and respectfully requests the Court to deny Debtors request to expunge, reduce, reclassify, and/or disallow Claimant's claim as listed above, for the reasons below:

1. According to the Debtors they have no liability for the claim filed by the Claimant in this chapter 11 case, because Claimant seeks to recover for Preferred Securities that were neither issued nor guaranteed by the Debtors.
2. According to the Debtors the Preferred Securities in possession of Claimant were issued by Lehman Brothers UK Capital Funding L.P., Lehman Brothers UK Capital Funding II L.P., and Lehman Brothers UK Capital Funding III L.P and were guaranteed by Lehman Brothers Holdings plc.
3. The Debtors state that none of the in paragraph two mentioned entities are Debtors in these chapter 11 cases and as a consequence Claimant has no claim against the Debtors. They arrive at the conclusion that the Claimant has no claim against the Debtors, due to the ISIN. The Debtors claim that the specific ISIN of Claimant relates to securities issued by the above in paragraph two mentioned entities.
4. Claimant responds to the Debtors objection by stating that the Preferred Securities held by Claimant were issued by LBT and guaranteed by LBHI. This is backed by the e-mail of the administrator of

LBT in the Netherlands, which document is contained in **Exhibit A**. This e-mail is specially directed towards all holders of notes and certificates issued by LBT and guaranteed by LBHI. This is confirmed in a letter of Fortis Bank Nederland directed towards the Claimant, which document is contained in **Exhibit B**. In the first sentence of the second paragraph is stated, although in Dutch, that Claimant is holder of notes issued by LBT and guaranteed by LBHI. Both documents confirm that Claimant is holder of notes issued by LBT and guaranteed by LBHI.

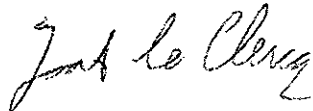
5. Accordingly, Claimant respectfully request, for all the reasons above, that this Court denies Debtors Ninetieth Omnibus Objection to Claims in its entirety.

**OOSTNEDERLANDSE VERENIGING
AANNEMERS RESERVEFONDS (O.V.A.R.),**

On behalf of: **H.V. Jongman**

By: **J.P.M. le Clercq**

Its: **Attorney and legal representative**



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